

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SEALED PLAINTIFF 1)
and)
SEALED PLAINTIFF 2,)
)
Plaintiffs,) **Civil Action No. 3:22 cv 670-MHL**
)
)
v.)
)
PATRIOT FRONT, et al.)
)
)
Defendants.)

**DEFENDANTS' OPPOSITION TO PLAINTIFFS'
MOTION FOR LEAVE TO TAKE LIMITED DISCOVERY
IN ADVANCE OF RULE 26(F) CONFERENCE**

Defendants Nathan Noyce, Thomas Dail, Paul Gancarz, Daniel Turetchi, and Aedan Tredinnick (“Defendants”), by counsel, file this memorandum in opposition to Plaintiffs’ Response to Notice of the Clerk’s Intention to Proceed with Abatement and Motion for Leave to Take Limited Discovery. In support of their opposition, these Defendants state:

1. Defendants’ counsel do not represent Jacob Brown and do not file this opposition on his behalf. Plaintiffs’ motion, however, does have an impact on Defendants.
2. Defendants are not responsible for e-mails sent out by third parties such as Jason Kessler. Moreover, plaintiffs have not directly connected Mr. Kessler’s e-mail to the Defendants, nor even to Mr. Brown.
3. Plaintiffs have enormous legal and financial resources under their command and have brought these resources to bear in this case both generally and specifically with respect

to surveillance and investigations of the defendants. By contrast, Defendants, and presumably Mr. Brown as well, have limited resources and have encountered difficulties even finding counsel. Several of the defendants in fact remain unrepresented to this date.

4. Plaintiffs' Complaint was filed in October 2022, over seven months ago. Plaintiffs, accordingly, have had more than ample time and opportunity to employ their robust resources to locate Mr. Brown. Moreover, presumably plaintiffs, in accordance with their ethical obligations, investigated the facts of this case before filing suit and had particular information regarding Mr. Brown. Plaintiffs nonetheless now seek to put Defendants to work on their side to locate Mr. Brown.
5. It is decidedly the Defendants' view that Plaintiffs' Complaint is "political lawfare" litigation to which Defendants have presented a meritorious motion to dismiss. Plaintiffs now seek to circumvent Defendants' Motion to Dismiss and its customary effect of suspending discovery. They are thus adding an additional dimension to their lawfare endeavors.
6. The cases cited by plaintiffs are factually distinguishable and do not support their extraordinary request. *Venable v. Dep't of Corr.*, No. 3:05cv821, 2007 WL 5145334, at *1 (E.D. Va. Feb. 7, 2007) and *Reladyne Reliability Servs. Inc. v. Bronder*, Civil No. 2:20cv377, 2020 WL 5745801, at *1 (E.D. Va. Aug. 4, 2020) involved requests for preliminary injunctions. In *Yongo v. Nationwide Affinity Ins. Co. of Am.*, No. 5:07-CV-94-D, 2008 WL 516744, at *8 (E.D.N.C. Feb. 25, 2008), discovery had already been conducted. *Hard Drive Prods., Inc. v. Does 1–30*, No. 2:11cv345, 2011 WL 2634166, at *3 (E.D. Va. July 1, 2011), involved irreparable harm from copyright infringement.

7. In contrast, a case cited in plaintiffs' *Hard Drive* case, i.e., *Millenium TGA, Inc. v. Does 1-21*, 2011 WL 1812786 (N.D. Ca. May 12, 2011), held that discovery prior to the Rule 26(f) should be denied unless the plaintiffs can show that the Defendants' Motion to Dismiss is not meritorious. Plaintiffs have not made, and Defendants submit cannot make, such a showing in this case.

Defendants accordingly request that plaintiffs' extraordinary requests be denied.

THOMAS DAIL
DANIEL TURETCHI
AEDAN TREDINICK
PAUL GANCARZ

By: _____/s/_____
Counsel

Bradley P. Marrs (VSB#25281)
Marrs & Henry
7202 Glen Forest Drive, Suite 307
Richmond, VA 23226
Tel. (804) 662-5716
Fax (804) 662-5712
bmarss@marrs-henry.com

Glen K. Allen, *Pro Hac Vice*
Glen Allen Law
5423 Springlake Way
Baltimore, MD 21212 Tel. (410) 802-6453
glenallenlaw@protonmail.com

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2023, true and accurate copies of the foregoing were served via ECF procedures of this Court to the all counsel of record.

/s/
Bradley P. Marrs (VSB#25281)
Marrs & Henry
7202 Glen Forest Drive, Suite 307
Richmond, VA 23226
Tel. (804) 662-5716
Fax (804) 662-5712
bmarrs@marrs-henry.com
Counsel for defendants
Nathan Joyce, Thomas Dail,
Daniel Turetchi, Aedan Tredinnick,
And Paul Gancarz